

Applicant: Michael J. Heller et al.  
U.S. Serial No.: 09/358,788  
Filed: July 22, 1999  
Page 2 of 3: October 4, 2012 Response

**REMARKS**

Claims 49, 57, 58 and 79-82 are pending in the subject application and claims 49 and 82 are the sole pending claims that are in independent form.

**Non-Statutory Obviousness-Type Double Patenting Rejections**

In the July 6, 2012 Office Action, the Examiner rejected the pending claims on the grounds of non-statutory obviousness-type double patenting as follows:

(a) Claims 49, 57, 58 and 79-82 were rejected over claims 1-46 of U.S. Patent No. 6,017,696 in view of Cozzette et al. (US 5,063,081) and Hollis et al. (U.S. 5,846,708); and

(b) Claims 49, 57, 58 and 79-82 were rejected over claims 1-8 of U.S. Patent No. 7,582,421 in view of Hollis.

The Office Action also indicated that the aforementioned rejections (a) and (b) can be overcome by submitting Terminal Disclaimers.

**Applicant's Reply**

In order to expedite prosecution, and without conceding the correctness of the Examiner's rejection, a Terminal Disclaimer over U.S. Patent No. 6,017,696 is attached hereto as **Exhibit A**. The Patent Office is hereby authorized to charge the \$80.00 statutory disclaimer fee to Deposit Account No. 03-3125.


In order to expedite prosecution, and without conceding the correctness of the Examiner's rejection, a Terminal Disclaimer over U.S. Patent No. 7,582,421 is attached hereto as **Exhibit B**. The Patent Office is hereby authorized to charge the \$80.00 statutory disclaimer fee to Deposit Account No. 03-3125.

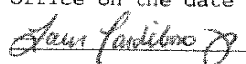
Applicant: Michael J. Heller et al.  
U.S. Serial No.: 09/358,788  
Filed: July 22, 1999  
Page 3 of 3: October 4, 2012 Response

Applicant earnestly solicits allowance of this application. If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the fee of \$80.00 for each filing of a Terminal Disclaimer, is deemed necessary in connection with the filing of this Amendment. Accordingly, authorization is hereby given to charge \$160.00 to Deposit Account No. 03-3125. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
\_\_\_\_\_  
John P. White  
Registration No. 28,678  
Paul Teng  
Registration No. 40,837  
Attorneys for Applicants  
Cooper & Dunham LLP  
30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York, New York 10112  
(212) 278-0400

<b>Certificate of Transmission</b>	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on the date below.	
 Lawrence P. Tardibono	<u>10/4/2012</u> Date